



November 15, 2013

VIA ELECTRONIC MAIL

U.S. Customs and Border Protection
FOIA Division
90 K Street NE
Washington, DC 20229-1181
CBPFOIA@cbp.dhs.gov

Re: Freedom of Information Act (FOIA) Request

Dear FOIA Officer:

The American Immigration Council (AIC) submits this letter as a request for information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, *et seq.*

Request for Information

AIC requests disclosure of the following records¹ that were prepared, received, transmitted, collected and/or maintained by the U.S. Department of Homeland Security (DHS) and/or U.S. Customs and Border Protection (CBP):²

- (1) For the period beginning January 1, 2013 and ending June 30, 2013, all documentation reflecting, reporting or stating (a) the number of individuals detained on a daily basis at each station in the Tucson Sector; (b) the number of individuals detained in each detention cell or hold room; and (c) the number of detention cells or hold rooms at each station in the Tucson Sector; and
- (2) For the period beginning January 1, 2013 and ending June 30, 2013, all documentation reflecting, reporting or stating the length of time individuals are detained by CBP in the Tucson Sector, and, if available, broken down by length of time detained at each station.

¹ The term “records” as used herein includes all records or communications preserved in electronic or written form, including but not limited to correspondence, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, training manuals, technical specifications, training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

² The term “CBP” as used herein means CBP headquarters offices, including any divisions, subdivisions or sections therein; CBP field operations offices, including any divisions, subdivisions or sections therein; CBP offices at ports of entry, including any divisions, subdivisions or sections therein; and/or any other CBP organizational structures.

AIC requests that records existing in electronic format be provided in electronic format or on a compact disc. If any of the requested records or information is not in a succinct format, AIC requests the opportunity to view the documents in your offices.

If any of the information requested is considered exempt under applicable law, please describe in detail the nature of the information withheld, the specific exemption or privilege upon which the information is withheld, and whether the portions of withheld documents containing non-exempt or non-privileged information have been provided.

Request for Waiver of All Costs

AIC asks that all fees associated with this FOIA request be waived. We are entitled to a waiver of all costs because disclosure of the information is "...likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). *See also* 6 C.F.R. § 5.11(k) (records furnished without charge or at a reduced rate if the information is in the public interest, and disclosure is not in commercial interest of institution). In addition, AIC has the ability to widely disseminate the requested information. *See Judicial Watch v. Rossotti*, 326 F.3d 1309 (D.C. Cir. 2003) (finding a fee waiver appropriate when the requester explained, in detailed and non-conclusory terms, how and to whom it would disseminate the information it received).

A. Disclosure of the Information Is in the Public Interest

Disclosure of the requested information will contribute significantly to public understanding of government operations and activities related to short-term detention facilities for noncitizens apprehended by CBP. Such information is of great public interest given that it affects a large number of individuals who are taken into CBP custody each year.

AIC has the capacity and intent to disseminate widely the requested information to the public. AIC educates citizens about the enduring contributions of America's immigrants, supports sensible and humane immigration policies that reflect American values, and works to ensure that immigration laws are enacted and implemented in compliance with fundamental constitutional and human rights. AIC's Immigration Policy Center (IPC) and Legal Action Center (LAC) help carry out this mission by reaching out to the general public to promote a better understanding of immigration law, policy and practice. The IPC researches issues related to immigration and regularly provides information to leaders on Capitol Hill and the media. The LAC works with other immigrants' rights organizations and immigration attorneys across the United States to advance the fair administration of immigration laws, including those relating to the adjudication of employment-based visa petitions.

The LAC and the IPC will post the information obtained through this FOIA on the AIC website – a website that is accessible by any member of the public. AIC's website has received 1.24 million views this year and likely will receive 1.6 million by the end of the year. AIC also will publish a summary of the information received in the LAC quarterly newsletter and in a blog. These publications are distributed to thousands of recipients and also are available on the AIC

website. Finally, AIC has regular contact with national print and news media and plans to share information gleaned from FOIA disclosures with interested media.

B. Disclosure of the Information Is Not Primarily in the Commercial Interest of the Requester

AIC is a 501(c)(3), tax-exempt, not-for-profit educational, charitable organization. Immigration attorneys, noncitizens and any other interested members of the public may obtain information about immigration-related issues on AIC's frequently updated website. AIC seeks the requested information for the purpose of disseminating it to members of the public who access AIC's website and other AIC publications, and not for the purpose of commercial gain.

* * *

Thank you for your prompt attention to this request. If you have any questions, please do not hesitate to contact me by telephone or email.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Werlin". The signature is fluid and cursive, with the first name "Beth" and last name "Werlin" clearly distinguishable.

Beth Werlin
Deputy Director, Legal Action Center
American Immigration Council
1331 G Street NW
Washington, DC 20005
(202) 507-7522
bwerlin@immcouncil.org